IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 21ST MARCH 2007 / 30TH PHALGUNA 1928

Bail Appl..No. 1685 of 2007()

C.C.No.724/2003 on the file of the JFCM, Taliparamba

: PETITIONERS/ACCUSED 1 & 2
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1. RAVINDRAN,
THEKANDATHIL HOUSE, VALIYACHAL, P.O.KANKOL,
KANNUR DISTRICT.

2. A.BALAMANI RAVI,
ALATTE HOUSE, VALIYACHAL, P.O.KANKOL,
KUNDEMKKOVAL, KANNUR DISTRICT.

BY ADV. SRI.KALEESWARAM RAJ

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 1685 OF 2007 A

Dated this the 21st day of March, 2007

O R D E R

Petitioners, who are accused Nos.1 and 2 in C.C.No.724/2003 on the file of the JFCM, Taliparamba for an offence punishable under section 406 read with section 34 IPC, seek anticipatory bail.

2. Consequent on the non-appearance of the petitioners before the aforesaid court, non-bailable warrants of arrest are pending against them. They have a grievance that they did not receive any summons from the said court. That is a matter which the petitioners will have to convince the Magistrate. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioners should not seek regular bail after surrendering before the Magistrate. Accordingly, if the petitioners surrender before the Magistrate concerned and file an application for regular bail, within two weeks from today, the same shall be considered and disposed of, preferably on the same date on which it is filed, after examining the explanation offered by the petitioners for their previous non-appearance including the grievance that they did not receive any summons in the case.

This application is disposed of as above.

(V. RAMKUMAR, JUDGE)

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